

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

Original Application No. 1687 of 1993

Allahabad this the 07th day of February, 2000

Hon'ble Mr.S.K.I. Naqvi, Member (J)

Luxami Devi W/o Late Sri Radha Mohan Mathur, 448-B,  
Railway Colony, Fazal Ganj, Kanpur.

Applicant

By Advocate Shri B.N. Singh

Versus

1. Union of India through ~~the~~its General Manager,  
Northern Railway, Barauda House, New Delhi.
2. Divisional Rail Manager, Northern Railway,  
Allahabad Divisional, Allahabad.
3. Superintendent, Carriage and ~~AW~~Wagon, Northern  
Railway, G.M.<sup>C</sup>., Kanpur.

Respondents

By Advocate Shri G.P. Agrawal

O R D E R ( Oral )

BY Hon'ble Mr.S.K.I. Naqvi, Member (J)

Smt.Luxami Devi has filed this O.A.  
~~and~~ seeking relief to the effect that her son-A.K.-  
Mathur be given compassionate appointment and also  
the retiral benefit of her husband be settled and  
further that she be not <sup>get</sup>vacated from the accommo-  
dation allotted to her husband. This last relief  
has been ~~shut~~ <sup>shed</sup> down during the arguments.



2. As per applicant's case, her husband, *deceased*, had to retire on medical ground before attaining the age of superannuation while he was in the service of the respondents and, therefore, her son is entitled for appointment on compassionate grounds. She has also mentioned that the respondents have not paid the Gratuity, P.F. and Pension and other retirement benefits to her husband or on his death to his legal heir.

3. The respondents have contested the case and pleaded that it is not a case in which the benefit of compassionate appointment can be extended mainly on two counts, first that the husband of Smt. Luxami Devi Late Sri Radha Mohan Mathur retired after attaining the age of superannuation and, therefore, no question of compassionate appointment and secondly that the other son of Smt. Luxami Devi is already in the service right from the life time of Late Shri Radha Mohan Mathur who can look after the family and his mother and this family cannot be said to be in distress. On retirement benefits, it has been mentioned that no papers claiming the payment after retirement have so far been filed, therefore, it could not be settled. It has also been brought on record by the respondents that even after retirement of Late Shri Radha Mohan Mathur he himself and after him his family continue in illegal possession over the accommodation allotted to him during his service period and there is a claim under this head against the applicant which comes to the tune of Rs. 1,28,266-75 as calculated in the year 1994. With these facts, the respondents have *pressed* ~~prayed~~ to dismiss the O.A.



4. Heard, the learned counsel for the rival contesting parties and perused the record.

5. So far as compassionate appointment to Shri Alok Kumar Mathur son of the applicant is concerned, learned counsel for the applicant emphasise that where there is retirement on medical ground, the respondents should have provided appointment to one of the sons of retired employee as per rules applicable at that time. In this regard, it is to be seen that there is no mention of any representation <sup>for appointment as such</sup> from the side of the deceased employee, <sup>he</sup> ~~who~~ claimed for this benefit to his family and now after lapse of so much of period of time, this claim cannot be revived.

6. For retiral benefit, the respondents have not come up with the case that the husband of the applicant was not entitled to the same and it has been mentioned that the retirement benefits could not be settled because of dues against the applicant for unauthorised occupation of the residence allotted to her husband. The respondents are directed to settle the retirement claim of the deceased and make good payment the amount, due to the legal heir of the deceased employee, after deduction of rent or damage rent whatever the case may be in respect of unauthorised occupation of a residence allotted to the deceased employee. On this point, there is statement from the side of the applicant that the family of the deceased employee has already vacated the accommodation in question and that too for about 5 years back.



7. With the above, I find now the relief in respect of appointment of Alok Kumar Mathur, cannot be granted.

8. Regarding payment of retirement benefits, the respondents are directed to examine the claim within 4 months from the date of communication of this order and make good payment to the legal heirs of the deceased employee, namely Late Shri Radha Mohan Mathur, after deduction of dues in respect of unauthorised occupation of the residence in question, which was allotted to Late Shri Radha Mohan Mathur but was retained unauthorisedly.

9. With the above observation, the O.A. is disposed of accordingly. No order as to costs.

*S. K. Singh*  
Member (J)

/M.M./